

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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REFIK PURISIC, et al.,

Plaintiffs,

- against -

**REPORT and  
RECOMMENDATION**

05 CV 2643 (CPS)

KAUR BHUPINDER, et al.,

Defendants.

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Plaintiff commenced this action on June 1, 2005, seeking damages as a result of injuries suffered in a motor vehicle accident, pursuant to 28 U.S.C. § 1332, N.Y. C.P.L.R. § 1602, and Section 5102 of the Insurance Law of the State of New York.

On January 14, 2006, plaintiffs filed a letter with the Court indicating that the case was in the process of settling. When no further action had been taken by any party in the case, this Court issued an Order dated March 10, 2006, directing the parties to provide a status letter within thirty days of that Order. Although the plaintiffs failed to comply with the Court's Order, defendants' counsel submitted a status letter indicating that two out of three defendants had reached a settlement with the plaintiffs but that defendant's counsel had not heard anything from plaintiffs' counsel regarding the third defendant.

Following receipt of the defendants' letter, this Court issued a second Order, dated April 26, 2006, again Ordering plaintiffs to provide a status report to this Court within thirty days. The Order notified plaintiffs that if a status report was not received by that date, the Court would recommend that the case be dismissed for lack of prosecution. More than two months have now passed, and plaintiffs still have not provided the Court with a status report, nor have they

contacted the Court to request additional time.

Accordingly, it is respectfully recommended that, unless plaintiff's counsel contacts the court within thirty days, the action be dismissed in its entirety based on plaintiffs' failure to prosecute.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within ten (10) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's Order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72; Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to send copies of this Order to the parties.

**SO ORDERED.**

Dated: Brooklyn, New York  
July 7, 2006

  
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Cheryl L. Pollak  
United States Magistrate Judge